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Under the Wisconsin railroad commission act of 1907, "no injunction shall issue suspending or staying any order of the commission, except upon application to the circuit court or presiding judge thereof, notice to the commission, and hearing." This provision has since been re-enacted and the original limitations amplified to considerable detail. The Indiana and Illinois public service commission acts of 1913 contain similar provisions. The provision of the Arizona act of 1912, restricting the right to use the injunction to set aside the order, regulations or decrees of its corporation commission, is perhaps the most sweeping of all. Section 2344 of the Revised Statutes of 1913 provides: "No order staying, restraining or suspending any order, rule, regulation, charge, or decree of the commission shall be made in any court of this State."

All this legislation indicates the present extremes to which lawmakers have gone to eliminate the most objectionable abuses of the injunction and at the same time, by the statute law, to reinvest the process with an important function in law enforcement. The statute law has been resorted to as a means of restricting its use in strictly class warfare and in those cases where the public is entitled to the presumption of constitutionality when an act of its legislatures or a judgment or decree of its legally constituted servants is attacked. The theory of the injunction as an extraordinary remedy can hardly be assailed with success, particularly when we recall its original function, viz.: "An injunction is a writ framed according to the circumstances of the case commanding an act which the court regards as essential to justice, or restraining an act which it esteems contrary to equity and good conscience."¹

It is the abuses tolerated under this broad vestment of power to which the most serious objections are patent. When these abuses have been provided for, we may expect a considerable diminution in the unpopularity of the injunction, especially as it is more and more used to put teeth into beneficial laws.

CARL HENRY MOTE.

The State as a Lobbyist. The New York legislature of 1914 passed an act which creates a state commission for the purpose of promoting federal legislation on the subject of the alien insane. The law provides that the commission consist of three members and be appointed

¹ Jeremy, Eq. Jur. 307.

by the governor. The commission was directed to meet within ten days and to organize by the election of a chairman and secretary. An appropriation of \$2500 was made to pay the actual and necessary expenses of the commission.

The commission was directed to urge upon the president and congress of the United States the immediate enactment into law of the recommendations set forth by the governor of New York and the legislature on the subject of the alien insane together with such other and further amendments to the federal laws as the commission may deem necessary or advisable.

The commission is further directed to secure the coöperation of other States affected by or interested in the matters pertaining to the alien insane to the end that all necessary amendments to the federal laws may be secured forthwith.

The creation of this commission was the result of an investigation concerning the condition of the alien insane in New York State. This report was submitted by the governor to the legislature in February, 1914, together with a special message and the legislature passed a concurrent resolution urging federal legislation to prevent immigration of insane aliens. Subsequently, the law creating the commission was enacted.

Interstate Commerce—Intoxicating Liquors. An important change was made in the relation of state and federal legislation on the subject of interstate commerce in intoxicating liquors by the passage of the Webb-Kenyon act in March, 1913, which was entitled "An act divesting intoxicating liquors of their interstate character in certain cases." This act provided that the "shipment or transportation, in any manner or by any means whatsoever, of any spirituous, vinous, malted, fermented or other intoxicating liquor of any kind from one State, territory or district of the United States or place non-contiguous to but subject to the jurisdiction thereof or from any foreign country into any State, territory or district of the United States or place non-contiguous to but subject to the jurisdiction thereof, which said spirituous, vinous, malted, fermented or other intoxicating liquor is intended, by any person interested therein, to be received, possessed, sold or in any manner used either in the original package or otherwise in violation of any law of such State, territory or district of the United States or place non-contiguous to but subject to the jurisdiction thereof are hereby prohibited."